

# Court of Appeals, State of Michigan

## ORDER

Korn Family Limited Partnership v Harbor Building Company

Docket No. 272813

LC No. 03-172319 CB

Alton T. Davis  
Presiding Judge

Donald S. Owens

Stephen L. Borrello  
Judges

---

The Court orders that the motion to remand is DENIED under the authority of *People v Hernandez*, 443 Mich 1 (1993). The appellants fail to demonstrate, and in fact don't even discuss, that they can satisfy all four requirements for newly discovered evidence. In particular, they have not demonstrated that even with reasonable due diligence they could not have produced the testimony of Richard Moscow at trial.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

AUG 09 2007

Date

*Sandra Schultz Mengel*  
Chief Clerk